

## PETITION FOR PARDON AFTER COMPLETION OF SENTENCE

Please read accompanying instructions carefully before beginning. Typewrite or print the answers in ink. Each question must be answered fully, truthfully, and accurately. If the space for any answer is insufficient, petitioner may complete answer on a separate sheet of paper and attach it to the petition. Submission of material, false information is punishable by imprisonment of up to five years and a fine of not more than \$250,000. 18 U.S.C. §§ 1001 and 3571.

### TO THE PRESIDENT OF THE UNITED STATES:

The undersigned petitioner prays for a pardon and in support thereof states as follows:

1. Full name: Fernando Fuentes Coba  
First Middle Last
- Address: [REDACTED]  
Number Street City State Zip Code
- Telephone Number (include area code): [REDACTED]
- Social Security No. [REDACTED] Date and place of birth: 06/21/1928, Havana, Cuba
- Sex: M Height: 5'8" Weight: 160 Hair Color: Brown Eye Color: Brown
- Are you a United States citizen? ☒ yes ☐ no If not, state nationality and give alien registration number: n/a. If naturalized U.S. citizen, furnish date and place of naturalization: Miami, Florida, 1969

State in full every other name by which you have been known, including name under which you were convicted, the reason for the use of another name, and the dates during which you were so known (for example, include your maiden name, name(s) by a former marriage(s), alias(es), and nickname(s)).

### Offense(s) For Which Pardon Is Sought

2. Petitioner was convicted on a plea of not guilty in the United States District Court  
(guilty, not guilty, nolo contendere)
- for the Southern District of Florida of the crime of:  
(Northern, Western, etc.) (Identify state)
- conspiracy to violate The Trading With The Enemy Act and the Cuban Assets Control  
(Describe specific offense) Regulations
- and was sentenced on December 14, 1982 to ☒ imprisonment for one year,  
☐ probation for \_\_\_\_\_, ☒ a fine of \$ 10,000, and/or ☐ restitution of \$ \_\_\_\_\_.
- Petitioner was 50-51 years of age when the offense was committed.

3. Petitioner began service of the sentence of ☐ imprisonment ☐ probation on \_\_\_\_\_, 19\_\_\_\_; was released on \_\_\_\_\_, 19\_\_\_\_ from \_\_\_\_\_; and was finally discharged by  
(Federal Institution)
- expiration of sentence on \_\_\_\_\_, 19\_\_\_\_. Petitioner ☒ did ☐ did not appeal the conviction.
- Indicate the date(s) on which the fine, restitution or special assessment was paid. If the fine, restitution, or assessment have not been paid in full, explain why. If appealed, please provide the date of decision(s) by the Court of Appeals and, if applicable, the Supreme Court. Please also provide citations to any published judicial opinion(s) or a copy of unpublished opinion(s). (An optional continuation page is provided.)

See Continuation Page "Answers to Questions."

4. Give a complete and detailed account of petitioner's offense(s), including dates (or time span) of the offense, names of codefendants and, when applicable, amount of money involved. Petitioner is expected to describe the factual basis of her/his offense completely and accurately and not rely on criminal code citations or name references only. If the conviction resulted from a plea agreement, petitioner should describe fully the extent of her/his total involvement in the criminal transaction(s), in addition to the charge(s) to which she/he pled guilty.

See attachment A.

#### Prior and Subsequent Criminal Record

5. Have you ever been arrested, taken into custody, held for investigation or questioning, or charged by any law enforcement authority, whether federal, state, local or foreign, either as a juvenile or adult for any incident, aside from the offense for which pardon is sought? ☐ yes ☒ no  
*For each incident list date, nature of charge, factual circumstances, law enforcement authority involved, location, and disposition. You must list every violation, including traffic violations that resulted in an arrest or criminal charge; for example, driving under the influence. Any omission will be considered a falsification. (An optional continuation page is provided if necessary.)*

n/a

000006

## Biographical Information

6. Current marital status: ☐ Never Married ☒ Married ☐ Divorced ☐ Widowed ☐ Separated  
For each marriage give the following: name of spouse, date and place of spouse's birth, date and place of marriage, and, if applicable, date and place of divorce, and current or last known address and telephone number of each former spouse:

Bertha Rebeldia Lage Machado [redacted] Camaguey, Cuba  
name of spouse date/place of birth  
Deceased n/a  
full address including Zip code  
app. 1949 Brooklyn, New York app. 1960 Havana, Cuba  
app. 1963 Miami, Florida app. 1972 Miami, Florida  
date/place of marriage date/place of divorce

María del Rosario Fernández de la Peña [redacted] Havana, Cuba  
name of spouse date/place of birth  
[redacted]  
full address including Zip code telephone number, including area code  
09/15/61 Havana, Cuba [redacted] Havana, Cuba  
date/place of marriage date/place of divorce  
See Continuation Page "Answers to Questions."

7. List your children by name and furnish date and place of birth for each:  
(If you do not have custody of any minor children, indicate whether you pay child support.)

Vilma Ena Fuentes Angulo [redacted] New York, New York  
name of child date/place of birth  
\*Vivian Elena Fuentes Verble [redacted] Brooklyn, New York  
name of child date/place of birth born: Havana, Cuba  
Fernando Fuentes Fernandez [redacted]  
name of child date/place of birth  
See Continuation Page "Answers to Questions."

8. List the complete address of all schools you have attended since your conviction, beginning with the most recent and working backward. Indicate the type of degree/diploma received and give the name of an instructor, counselor, or other school official who knew you well. (An optional continuation page is provided if necessary.)

School	None	From (month/year)	To (month/year)
Number and Street		Degree	Month/year awarded
City		State	Zip Code
Name of school official	Telephone number of school official		

8a. See Attachment B.

## Residences

9. List every place you have lived since the conviction, beginning with the present and working back. (All periods must be accounted for below.) List the physical location of your residence; do not use a post office box as an address. If you lived in an apartment complex, list your apartment number. (An optional continuation page is provided if necessary.)

Date you moved to present address (month/year):	Number and Street	Apartment Number
1988	City Cancun, Quintana Roo State Mexico Zip Code [redacted]	

From (month/year):	Number and Street	Apartment Number
1988	City La Habana State Cuba Zip Code [redacted]	

From (month/year):	Number and Street	Apartment Number
1986	City Cancun, Quintana Roo State Mexico Zip Code [redacted]	

See Continuation Page "Answers to Questions."

000007

## Employment History

10. List all periods of employment and unemployment since the conviction, beginning with the present and working backward. List all full and part-time work, self-employment, and periods of unemployment. For each period of unemployment, indicate your means of support. (An optional continuation page is provided.)

Present Employer Retired, but consults periodically (see below)			Telephone (include area code)
Date you began this employment (month/year):  2000	Number and Street		
	City	State	Zip Code
Type of business	Position	Supervisor	Supervisor's telephone number

Employer Viajes Divermex			Telephone (include area code)
Began (month/year): 1988	Number and Street		
Ended (month/year): 2000	City Cancun	State Quintana Roo	Zip Code 77500 Mexico
Type of business travel agency	Position Consultant	Supervisor n/a	Supervisor's telephone number n/a

Employer Maeva Travel			Telephone (include area code)
Began (month/year): 1986	Number and Street		
Ended (month/year): 1988	City Cancun	State Quintana Roo	Zip Code 77500 Mexico
Type of business travel agency	Position Consultant	Supervisor n/a	Supervisor's telephone number n/a

(a) Since the conviction, have you been fired or left a job following allegations of misconduct or unsatisfactory job performance? ☐ yes ☒ no

(b) Have you failed to list the conviction, or any other arrest or conviction, on any employment or other application where requested to list such information? ☐ yes ☒ no

If you answered yes to either of the above questions, explain fully below. An optional continuation page is provided.

---



---



---

## Substance Abuse and Mental Health Information

11. (a) Have you ever used any illegal drug or abused prescription drugs or alcohol? ☐ yes ☒ no  
If you answered yes, on a separate sheet identify the drugs used, the dates of use, and the frequency of use.

(b) Have you ever been involved in the illegal sale or distribution of drugs? ☐ yes ☒ no  
If you answered yes, on a separate sheet provide complete details and dates of your involvement.

(c) Have you ever sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse? ☐ yes ☒ no  
If you answered yes, on a separate sheet specify the dates of treatment or counseling, and provide the name, full address, and telephone number of the treatment facility and of the doctor, counselor or other treatment provider.

(d) Have you ever consulted with a mental health professional (psychiatrist, psychologist, or counselor) or with another health care provider concerning a mental health-related condition? ☐ yes ☒ no  
If you answered yes, on a separate sheet specify the dates of treatment and the name, full address, and telephone number of the counselor/treatment provider.

## Civil and Financial Information

12. (a) Are you in default or delinquent in any way in the performance or discharge of any debt or obligation imposed upon you? ☐ yes ☒ no
- (b) Since the conviction, have any liens (including federal or state tax liens) or any lawsuits been filed against you, or have you filed for discharge of your debts in bankruptcy? ☒ yes ☐ no
- (c) Do you have pending any judicial or administrative proceedings with the federal, state, or local governments? ☒ yes ☐ no

*If you answered yes to any question, explain fully on the optional continuation page.*

## Military Record

13. (a) Have you ever served in the armed forces of the United States? ☒ yes ☐ no

Dates of service: 1945-1947 Branch(es): US Army

Serial numbers: 42283019 Type of discharge: Honorable

Decorations (if any): World War II Victory Medal-Europe Theater of Operation

*If other than honorably discharged, specify type and circumstances surrounding your release(s) (use optional continuation page) and attach copy of your separation papers (Form DD-214).*

- (b) While serving in the armed forces, were you the recipient of non-judicial punishment or the defendant in any court-martial? ☐ yes ☒ no

*If yes, state fully the nature of the charge, relevant facts, disposition of the proceedings, the date thereof, and the name and address of the authority in possession of the records thereof. If you were convicted of an offense by court-martial, provide a copy of the court-martial promulgating order and on a separate sheet provide the same information with respect to each conviction that is required in questions 2 through 4 of this application.*

## Civil Rights and Occupational Licensing

14. Have you ever been granted or denied restoration of your civil rights (for example, a state pardon, a certification of restoration of civil rights, or a certificate of discharge)? ☐ yes ☒ no  
*Attach a copy of the document(s) evidencing the state's action.*

15. Have you ever been granted or denied removal of your federal or state firearms disabilities? ☐ yes ☒ no  
*Attach a copy of the document(s) evidencing the federal or state action.*

16. Since the conviction, have you been granted or denied any type of business or professional license, including the reinstatement of any licenses that were revoked or denied, in which your conviction was a consideration? ☐ yes ☒ no

*If yes, attach a copy of the document(s) evidencing the action, including any explanation of the reasons for such action. If not available, provide the name, full address, and telephone number of the relevant authority taking the action, the nature of the license, the disposition of your request, and the date of the disposition. Use optional continuation page if necessary.*

## Reasons for Seeking Pardon

17. State your reasons for seeking a pardon. Please refer to paragraphs 4 and 11 in the attached Information and Instructions on Pardons. (As pointed out in paragraph 10 of the attached instructions, a pardon is a sign of forgiveness. Accordingly, in the usual request for pardon you should not reargue your case, assert innocence, or otherwise attack the validity of your conviction.)

See attachment C.

## Certification and Personal Oath

I hereby certify that all answers to the above questions and all statements contained herein are true, and I understand that any misstatements of material facts contained in this petition may cause adverse action on my petition for pardon, in addition to subjecting me to any other penalties provided by law.

In petitioning the President of the United States for pardon, I do solemnly swear that I will be law-abiding and will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I take this obligation freely and without any mental reservation whatsoever, So Help Me God.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



(signature of petitioner)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public

## AUTHORIZATION FOR RELEASE OF INFORMATION

*Carefully read this authorization to release information about you, then sign and date it in ink.*

I authorize any investigator, special agent, or other duly accredited representative of the Federal Bureau of Investigation, the Department of Defense, and any authorized Federal agency, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history, arrest, conviction, medical, psychiatric/psychological, health care, and financial and credit information.

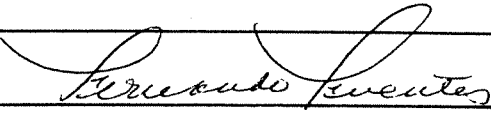





I understand that, for financial or lending institutions and certain other sources of information, a separate specific release may be needed (pursuant to their request or as may be required by law), and I may be contacted for such a release at a later date.

I further authorize the Federal Bureau of Investigation, the Department of Defense, and any other authorized agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my suitability for a government benefit.

I authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this form, and may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for three (3) years from the date signed.

Signature (sign in ink) 		
Full Name (type or print legibly) Fernando Fuentes Coba		Date Signed
Other Names Used Fred Fuentes, Fred Fuentes Coba, Fernando Fuentes		
Street Address 		
City 	State Mexico	
Home Telephone Number (include area code) 		Social Security Number 

**Optional Continuation Page for  
Petition for Pardon After Completion of Sentence**

**Residences**

<i>From (month/year):</i> 1986	<i>Number and Street</i> [REDACTED]		<i>Apartment Number</i>
<i>To (month/year):</i> 1988	<i>City</i> La Habana	<i>State</i> Cuba	<i>Zip Code</i>

<i>From (month/year):</i> 1982	<i>Number and Street</i> [REDACTED]		<i>Apartment Number</i>
<i>To (month/year):</i> 1985	<i>City</i> Miami	<i>State</i> FL	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

**Employment History**

<i>Employer</i> n/a		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>



**Optional Continuation Page for  
Petition for Pardon After Completion of Sentence**

**Residences**

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

<i>From (month/year):</i>	<i>Number and Street</i>		<i>Apartment Number</i>
<i>To (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

**Employment History**

<i>Employer</i> n/a		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

<i>Employer</i>		<i>Telephone (include area code)</i>	
<i>Began (month/year):</i>	<i>Number and Street</i>		
<i>Ended (month/year):</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Type of business</i>	<i>Position</i>	<i>Supervisor</i>	<i>Supervisor's telephone number</i>

**Optional Continuation Page for  
Petition for Pardon After Completion of Sentence**

**Answers to Other Questions**

**Question #      Response:**

3      I was free on bail during my trial and during the appeal and other post-conviction motions. Fearing retaliation in prison (including personal injury and death) from anti-Castro groups at that time, I did not surrender in 1985 to serve my prison sentence. Instead, I believed I had to leave my country to save my life.

The District Court judgment is attached hereto as Attachment E. The Eleventh Circuit Court of Appeals affirmed the judgment on August 13, 1984. See 738 F.2d 1191 (11th Cir. 1984). The Supreme Court denied my petition for a writ of certiorari. See 469 U.S. 1213 (1985).

In April 1982, prior to my conviction, the U.S. Government blocked all my assets (including my funds), rendering me unable to pay the \$10,000 fine.

6	Yolanda Parces García	[REDACTED]	Cuba
	Miami, Florida		unknown
	04/20/77	Miami, Florida	[REDACTED] Miami, Florida

6	Magaly del Pilar Linares Conde	[REDACTED]	Havana, Cuba
	[REDACTED] Havana, Cuba		unknown
	11/28/84	Havana, Cuba	[REDACTED] Havana, Cuba

6	Georgina Leon	[REDACTED]	Havana, Cuba
	[REDACTED] Cancun, Quintana Roo 77500, México		[REDACTED]
	10/15/94	Cancun, México	[REDACTED]

7	Barbara Fuentes	[REDACTED]	Miami, Florida
---	-----------------	------------	----------------

7	Jeanie Fuentes	[REDACTED]	Miami, Florida
---	----------------	------------	----------------

7	Sara Ena Fuentes Linares	[REDACTED]	Havana, Cuba
---	--------------------------	------------	--------------

12(c)      The criminal case stemming from my 1982 conviction is still pending.

CHARACTER AFFIDAVIT  
on behalf of

Fernando Fuentes Coba

(print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United

States for pardon, I, Thomas L. Cooper

(print or type name of affiant)

residing at

Number Street City State Zip Code

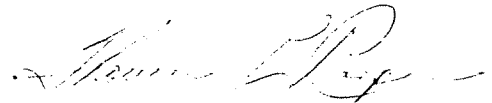
whose occupation is President and Chief Executive Officer,  
Gulfstream International Airlines, Inc.

Telephone (include area code)

certify that I have personally known the petitioner for 20 years. Except as otherwise  
indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner.  
My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner  
has been arrested or had any other trouble with public authorities and has been steadily employed,  
is as follows:

I first met Mr. Fernando Fuentes Coba in the late 70s when he first  
began operating charter flights between Miami and Havana and was the  
owner of a company by the name of American Airways Charters. I, too,  
had a company, Air Miami, Inc., which also flew charter flights between  
Miami and Havana. For the next several years, Mr. Fuentes Coba and I  
had numerous business transactions relative to that market which  
complemented each other's business. During that period of time,  
both on a personal level and a business basis, I found Mr. Fuentes  
Coba to be honest and truthful in his dealings with me. He was highly  
respected in the aviation community during that period of time.

I do solemnly swear that the foregoing information is true and correct to the best of my  
knowledge and belief.



(signature of affiant)

Subscribed and sworn to before me this 5th day of September, 19 2000

## CHARACTER AFFIDAVIT

on behalf of

Fernando Fuentes Coba

(print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United

States for pardon, I, Marilyn J. Parker

(print or type name of affiant)

residing at

Number

Street

City

State

Zip Code

[REDACTED]

whose occupation is Consultant

Telephone (include area code)

certify that I have personally known the petitioner for 4 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

I have known Mr. Fuentes since 1996, Although frail with health problems, I find him to be a dedicated family man longing to spend his last days with his children.

Mr. Fuentes is a kind and compassionate man, totally dedicated to helping the less fortunate whether they be friends or strangers.

Mr. Fuentes is an honest and respectable man.

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge and belief.

Marilyn J. Parker  
(signature of affiant)

Subscribed and sworn to before me this 13 day of Sept., 1900

Ronald R. Montfort  
Notary Public

RONALD R. MONTFORT

RONALD R. MONTFORT

000015

UNITED STATES DEPARTMENT OF JUSTICE  
Office of the Pardon Attorney  
Washington, D.C. 20530

CHARACTER AFFIDAVIT

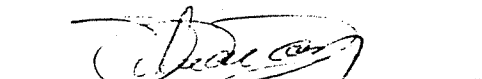
In support of the application of the Petitioner FERNANDO FUENTES COBA to the President of the United States for a pardon:

I Cesar R. Camacho, residing at 145 Harbor Drive, Key Biscayne, Florida 33149, attorney at law, admitted to practice as follows: State of Florida, all courts; United States Supreme Court; 5th Circuit Court of Appeals; 11th Circuit Court of Appeals; United States Tax Court; United States District Court for the Southern District of Florida ( & Trial Bar); United States Bankruptcy Court for the Southern District of Florida; United States Court of Claims, (Washington D.C.), certify:

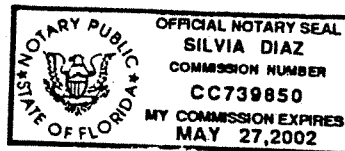
That I have personally known the Petitioner for 30 years and the Petitioner has since been a person of excellent moral character and a law abiding citizen, except for the matter for which a pardon is sought. To the best of my knowledge and belief, the Petitioner enjoys an immaculate reputation within his peers, has not been arrested for any cause nor has he been involved on any other kind of trouble, has not been a defendant in any civil or criminal action and has been steadily employed (until his recent retirement) in the travel business, as a remunerated consultant. The Petitioner is now retired. The Petitioner's conduct and activities during this time have been consistent with those expected from a hard-working, honest, family man.



Sworn to and subscribed before me in the City of Miami, County of Miami-Dade, State of Florida, on this 11 day of September, 2000.

  
Notary Public

Notary Public Rubber Stamp



000016

ATTACHMENT A  
TO PARDON APPLICATION OF  
FERNANDO FUENTES COBA

Offenses For Which Pardon Is Sought (Pages 1-2)

4. Description of Offenses

Please refer to Attachment B for a brief discussion of my life, my family, and my work. Attachment B also discusses the travel restrictions under the then existing Cuban Assets Control Regulations ("CACR"), which were promulgated by the Office of Foreign Assets Control of the U.S. Department of the Treasury ("OFAC").

The Government's actions against me began on February 11, 1982, when the Grand Jury returned an indictment against AAC and two other companies. The indictment charged these corporations with receiving money from U.S. persons seeking to provide funds to Cuba during the Mariel Boatlift. The Government, however, did not pursue these charges.

Instead, on February 24, 1982, a superseding indictment (the "second indictment") was filed charging me, seven other individuals, and four companies (including AAC) with conspiracy to violate The Trading With The Enemy Act. Seven of the defendants failed to appear in the case and fled the country. These seven defendants were: Carlos Alfonso Gonzalez, Charles Romeo, Roger Dooley, Jorge Debasa, Miriam Contreras Ropert, Lourdes Rey Gonzalez-Dopico, and Orestes Damian Aleman. Instead of trying these individuals in absentia, the Government sought a third indictment against me alone on May 19, 1982. The Government subsequently dismissed the second indictment.

The third indictment charged three counts against me: (I) conspiracy to transport goods and equipment to Cuba; (II) conspiracy to engage in transactions on behalf of Cuban nationals traveling in the United States without a visa issued by the Department of State; and (III) purchasing and selling assets of Travel Services, Inc., a transaction for which AAC requested OFAC authorization, without a license from OFAC in violation of the CACR. With respect to count I, the Government alleged that I improperly transported to Cuba four Pepsi-Cola dispensing machines, communications equipment, a typewriter, a photocopier, scuba equipment, a small airplane part, automobile parts, food, perfume, and U.S. coins.

The Government eventually dismissed counts II and III of the indictment without prejudice. In November 1982, the Government tried only count I of the third indictment. After a four-day trial before the U.S. District Court for the Southern District of Florida, I was convicted of conspiracy to violate The Trading With The Enemy Act and the CACR. I was sentenced to one year in prison and was ordered to pay a fine of \$10,000. The United States Court of Appeals for the Eleventh Circuit affirmed the conviction on August 13, 1984. See 738 F.2d 1191 (11<sup>th</sup> Cir. 1984). The Eleventh Circuit then denied an application for en banc consideration, and on February 19, 1985, the U.S. Supreme Court denied my petition for a writ of certiorari. U.S. 1213 (1985).

EXHIBIT

23

PENGAD-Bayonne, N. J.

000017

On June 14, 1985, a Motion for Relief Under Rule 35 of the Federal Rules of Criminal Procedure was filed with the District Court for the Southern District of Florida. This court denied the motion on June 21, 1985.

**ATTACHMENT B**  
**TO PARDON APPLICATION OF**  
**FERNANDO FUENTES COBA**

**Biographical Information (Page 3)**

8A. Fernando Fuentes Coba's Background

I was born on June 21, 1928 in Cuba. I left Cuba for the United States in the mid 1940's. To support my application for United States citizenship, I joined the United States army. I trained with the Field Artillery at Fort Knox in Kentucky. While at Fort Knox, I was recommended as a candidate for officers' training. I, however, chose not to attend officers' school but instead to serve in the Second Constabulary Regiment in Germany during World War II. I received an honorable discharge after eighteen months of service.

When I returned to the United States after the war, I obtained a job in a lithography shop in New York. I remained in New York until 1959. Believing that Cuba had changed after the revolution and hoping that the climate would improve the health of my oldest daughter Vilma, I moved my wife Bertha and my two girls Vilma and Vivian to Cuba. It was only after we arrived in Cuba that I realized the extent to which my family missed their friends and other family members. I also discovered that Cuba was not what I had expected.

After a year in Cuba, I began making arrangements for our departure. At that time, because of my position with the police in Cuba, I was not free to leave Cuba with my family. The only way for Bertha and children to leave Cuba was for me to obtain a divorce. As soon as my divorce was effective in approximately 1961, Bertha and the children left Cuba. I finally was able to depart for Canada in 1962. In 1964, I walked across the Canadian-United States border into Maine, where I turned myself in to the U.S. Immigration and Naturalization Service ("INS") and requested political asylum.

In 1969, INS determined that I was eligible for naturalization. I became a U.S. citizen that year, and I remain a U.S. citizen today. Because of my departure in the 1940's and in 1962, I do not believe that Cuba considers me a Cuban citizen.

I settled with my family in southern Florida, where I worked as a manager of a lithography shop for approximately ten years. I eventually changed jobs after the U.S. Government amended its Cuba travel policies.

In 1977, President Carter directed the Office of Foreign Assets Control of the U.S. Department of the Treasury ("OFAC") to remove most, if not all, restrictions on the travel to Cuba. Pursuant to President Carter's direction, OFAC amended the Cuban Assets Control Regulations ("CACR") to permit persons subject to U.S. jurisdiction ("U.S. persons") to engage in all transactions ordinarily incident to travel to, from, and within Cuba. The amended CACR also permitted U.S.-owned companies to assist U.S. persons with their travel arrangements from, and within Cuba. Thus, after 1977, U.S. law permitted U.S. persons to travel to

EXHIBIT

24

RECEIVED-Immigration, N. Y.

000019



Cuba and U.S. companies to provide travel-related services (including charter services). U.S. law also permitted U.S. persons to pay for ordinary travel expenses in Cuba and permitted U.S. companies to engage in transactions with Cuba on behalf of the U.S. travelers.

American tourists flocked to Cuba after OFAC amended the CACR. In 1979 alone, 189,000 Americans traveled to Cuba, spending between \$150 and \$185 million on transportation, hotels, and other tourist activities. As mentioned above, U.S. law permitted these transactions.

Because the changes in the law created new opportunities in the travel business, I decided to leave my job at the lithography shop and enter the charter business. In mid-1978, I purchased a Florida company called American Airways Charters, Inc. ("AAC"). I was the president and chief operating officer of AAC. Late in 1978, AAC initially began operating charter flights between Miami, Florida and Kingston, Jamaica.

In 1979, in accordance with the amended CACR, AAC began arranging charter flights between Miami and Havana, Cuba. As part of AAC's Cuba travel business, AAC leased aircraft from airlines for the flights to and from Cuba, hired and supervised security personnel to ensure the safety of the aircraft and the baggage loaded on board the aircraft, and completed and filed all required documentation with the appropriate government agencies. AAC eventually became a major charter operator arranging charter air transportation between Miami and points in Cuba.

As you are no doubt aware, the Mariel Boatlift created an immigration crisis in the United States. On April 20, 1980, Fidel Castro announced that Cubans could leave the country, and he opened the port of Mariel for all persons wishing to depart Cuba for the United States. Cuba permitted boat loads of Cubans (including criminals) to travel to the United States. Faced with thousands of Cubans entering the United States, President Carter announced his policy of providing a safe-haven for displaced persons from Cuba.

It soon became apparent that the United States could not handle the influx of Cuban emigrants. In May 1980, President Carter attempted to halt the boatlift. Despite his efforts, over 120,000 Cubans arrived in the United States.

Under President Reagan, the U.S. Government changed its policy toward Cuba and began to tighten the embargo. In 1982, OFAC amended the CACR to restrict travel to Cuba. OFAC also began more strictly enforcing the CACR. Significantly, this stricter enforcement included retrospective examination of transactions that had occurred prior to the Mariel Boatlift during the years when the United States had relaxed the embargo against Cuba.

000020

**ATTACHMENT C**  
**TO PARDON APPLICATION OF**  
**FERNANDO FUENTES COBA**

**Reasons For Seeking Pardon (Page 6)**

17. Reasons

There are several reasons why it is appropriate to grant me a pardon and allow me to return home to the United States without serving time in prison. These reasons are listed in paragraphs (A) through (H) below.

**A. I Need Immediate Medical Care In The United States**

The first is humanitarian: My health has substantially deteriorated since the indictment and conviction. I am now 72 years old, and I unfortunately have suffered numerous health problems over the years, including coronary heart disease, two abdominal aortic aneurysms, emphysema, and diabetes. Each of these illnesses alone is extremely serious.

In 1992, my doctors discovered two aneurysms on my abdominal aorta. These are life-threatening conditions, which required immediate surgery. I underwent triple bypass surgery, which was very complicated and very risky. To bypass the aneurysms in my arteries, I had repairs performed to the abdominal aorta and the left and right iliac arteries. Because the aneurysms caused the spinal column to erode, I also had repair work performed on my lower spinal column.

Despite these surgical procedures, I continue to suffer from coronary heart disease. In late 1998, I suffered a stroke in the front left lobe of the brain. In 1999, I went into a near diabetic coma and suffered severe depression. With 80 percent of my carotid arteries blocked, I risk another debilitating and potentially fatal stroke.

I would like to be treated and to have any additional surgery performed in the United States, where I can receive the very best medical attention. Even after such treatment is completed, I expect that I will continue to require medical attention for this and other medical conditions. My family has the financial means to absorb the enormous expense of medical treatment in the United States. Allowing me to obtain medical care and other treatment in this country, therefore, will not impose any financial burden on public authorities.

**B. The Historical Factors That Led To My Indictment Are No Longer Present**

As can be seen from Attachment A, I was indicted in 1982 as part of the U.S. Government's response to the Mariel Boatlift. While the Government was attempting to control and process the Cuban émigrés from the Boatlift, the Office of Foreign Assets Control ("OFAC") instituted a stricter enforcement policy. As a result of this policy, my comp

EXHIBIT

25

000021

was originally charged with forwarding money to Cuba to assist in the transportation of Cuban nationals to the United States. The Government's second indictment and third indictment also included charges of profiting from the Mariel Boatlift. However, the Government ultimately dismissed the second indictment as well as the count in the third indictment alleging this activity.

The shipping activities for which I was indicted and convicted allegedly occurred in 1979, prior to the Mariel Boatlift, the event that triggered the indictments. If the Mariel Boatlift had not occurred, it appears as though the Government would not have prosecuted me for these shipping activities. And even though the Mariel Boatlift triggered this prosecution, the Government never brought me to trial on any charge related to the Mariel Boatlift. (Nor should they have done so.) Instead, the Government pursued a questionable charge that I conspired to transport certain goods to Cuba in violation of OFAC's Cuban Assets Control Regulations (the "CACR").

Twenty years have passed since the Mariel Boatlift incident. With the U.S.-Cuba Immigration Accord, the pressing need to gain control over Cuban immigrants is no longer present. Moreover, the political climate between the United States and Cuba has changed. Cuba is not as formidable as it once was when it received subsidies from the former Soviet Union. The U.S. Department of Defense recently has concluded that Cuba is no longer a threat to the United States. In addition, an increasing number of U.S. citizens (including State and Federal government officials) are calling for a lifting of the U.S. embargo against Cuba and for improved relations with the island. While relations between the United States and the Cuban Governments have remained stagnant for the last twenty years, the policy reasons for retroactively examining AAC's activities and selectively prosecuting me no longer exist.

**C. The Alleged Activities Did Not Pose A Threat**

Even if it were true that I intentionally violated The Trading With The Enemy Act and the CACR, the alleged activities did not pose any threat to the United States or to its citizens. I was not charged with and convicted of selling arms, munitions, or military secrets to the "enemy;" I was convicted of allegedly transporting to Cuba four old Pepsi-Cola dispensing machines, communications equipment, a typewriter, a photocopier, scuba equipment, a small airplane part, automobile parts, food, perfume, and quarters. None of these commodities posed any threat to the United States or to its citizens. Nor did they provide Cuba with a significant amount of hard currency that the Castro Government could use against U.S. interests.

**D. The Government Appears To Have Selectively Prosecuted Me**

The Government's second indictment charged eight individual defendants, including me, with conspiracy to violate The Trading With The Enemy Act and the CACR. All but one of those defendants failed to remain in the United States to stand trial. The seven defendants who fled the country were: Carlos Alfonso Gonzalez, Charles Romeo, Roger Dooley, Jorge Debas, Miriam Contreras Ropert, Lourdes Rey Gonzalez-Dopico, and Orestes Damian Aleman. Instead of trying these individuals in absentia, the Government indicted (the third indictment), tried, and convicted the only defendant who remained in the country, me.

And at the time of the trial and during the appeal, I did not intend to flee the country to escape a prison term. Only after the justice system failed me, and after I realized that I might die in prison, I left his family and country in late 1985. In other words, because the anti-Castro sentiment was so strong, and because I was convicted of "trading with the enemy" Fidel Castro, I feared that anti-Castro groups would seriously injure, maim, or kill me in prison. Given the bombings that occurred in Miami in the 1970's and 1980's (including the attempted bombing of my office), this fear was well-founded.

Even after some of the individuals who had been charged in the second indictment returned to the United States, the Government did not pursue the charges against them. In early 1983, Lourdes Rey Gonzalez-Dopico surrendered to federal authorities, but was not prosecuted. Orestes Damian Aleman also surrendered to the authorities, and the Government dismissed the indictment against him. Additionally, OFAC issued a license to Mr. Aleman's new company authorizing the company to provide travel-related services and family remittance forwarding services to Cuba.

**E. I Have Cooperated With Government Officials**

During OFAC's investigation of Travel Services and other entities in 1979, I fully cooperated with the Government. I provided OFAC officials with all the documentation they requested. Moreover, I met with OFAC officials on November 20, 1979 in connection with their investigations.

In addition, I cooperated with the U.S. Attorney's office on a different matter after my conviction: the Arocena case (United States v. Arocena, No. 83-1016-Cr (S.D. Fla.)). In 1980, Eduardo Arocena, the leader of the anti-Cuba terrorist organization Omega 7, was responsible for placing a bomb in my office. I discovered the bomb and contacted the police – before it detonated. My employees and I narrowly escaped serious physical injury or death.

During the trial of Arocena, which occurred after I had had been tried and convicted, I testified on behalf of the Government. Assistant U.S. Attorney Frederick R. Mann commended me for my cooperation in the Arocena prosecution, stating that I "was forth coming and candid at all times during the preparation of the trial, and was of substantial assistance in proving that part of the government's case against Arocena having to do with the attempted bombing of my office in December of 1980." See Letter from Frederick R. Mann to Honorable James W. Kehoe, dated April 26, 1985 (attached hereto as Attachment D).

**F. I Already Have Been Punished For These Alleged Activities**

I already have been punished for the acts for which I was charged. I will never be able to forget the charges against me or forget my conviction. Because of the hostile environment in Miami at the time of the indictment (a time when bombings were frequent), I have suffered the loss of my integrity and reputation.

In addition, OFAC, on April 9, 1982, declared that AAC was a "Cuban national" under the regulations, thereby preventing all U.S. persons from doing business with AAC. OFAC also

seized AAC's assets and ordered the company to cease its tour operations. Thus, not only was I convicted for supposedly shipping goods to Cuba, I also was forced to shut down my business.

As a result of the negative publicity and the anti-Castro sentiment in Miami, I feared retaliation in prison. This fear was not unfounded, given the views of some of the Miami community against those who did business – even if authorized under the regulations – with Cuba. As stated above, my employees and I narrowly escaped injury and possibly death from the attempted bombing of my office in December 1980 – before my indictment. Other bombings in Miami and New York caused the deaths of several individuals. After I was convicted of “trading with the enemy”, fears for my safety increased dramatically. Because I believed I could not be protected in any U.S. prison, I left my home, my family, and my country.

I have been away from my family and friends for fifteen years. My fifteen-year “isolation” has far exceeded my prison sentence. The separation from my family, coupled with the loss of my business, is a far greater punishment than incarceration.

#### **G. The Case Against Me Was Weak**

In addition to the above-mentioned reasons warranting clemency, there is reasonable doubt as to my guilt. For a crime to be committed under The Trading With The Enemy Act and the CACR, the Government must show that the defendant actually knew of the regulatory provisions and intentionally violated the regulations. United States v. Frade, 709 F.2d 1387, 1392 (11<sup>th</sup> Cir. 1983).

In the case against me, the Government's proof of intent was based almost entirely on the testimony of Jenaro Perez. Perez was an admitted member of the extreme anti-Castro organization Movimiento Insurreccional Martiano. Perez gave inconsistent and uncorroborated testimony about the alleged shipment of goods to Cuba. Specifically, Perez testified that my company AAC transported to Cuba four old Pepsi-Cola machines, communications equipment, a typewriter, a photocopier, scuba equipment, a small airplane part, automobile parts, food, perfume, and quarters. Perez also testified that I knew that the transportation to Cuba of these goods was illegal and that I personally supervised the loading of these goods onto the aircraft chartered by AAC. Perez, however, later testified that he (Perez) purchased the communications equipment for exportation to Cuba. He also admitted that he did not know whether AAC transported office equipment and scuba equipment to Cuba. Other witness who worked at the airport, moreover, contradicted his testimony, when they testified that they did not see any of the alleged items being loaded onto the Cuba flights. The other witnesses, furthermore, testified that I did not know and was not present at the airport when any of the alleged shipments were loaded onto the aircraft.

Interestingly, Perez admitted on cross examination to violating the CACR when he purchased the communications equipment for Cuba. Although the Government offered him immunity for his testimony, he refused to accept the offer. Yet, despite Perez's admission, and despite the fact that he did not have an agreement with the Government for his testimony, the Government did not prosecute Perez. I was the only one who was tried for violating the law.

Perez's motives and illegal conduct as well as his perjury at trial rendered his credibility at best questionable. This raised doubts as to this key element of the Government's case against me.

The Government's own actions also demonstrated that AAC did not knowingly violate the CACR. Beginning in 1979, the U.S. Customs Service watched the charter flights that AAC arranged for U.S. persons traveling to Cuba. AAC notified Customs of every flight, and Customs cleared every departure to and arrival from Cuba. Although Customs monitored every flight, Customs agents did not interfere with the flights or seize any of the allegedly improper shipments. I, therefore, had no idea that any shipments might have violated the CACR.

Furthermore, some Government witnesses testified that goods were allegedly shipped to Cuba at the request or for the benefit of Havanatur, a Panamanian corporation. Yet, the Government alleged that these shipments took place before OFAC designated Havanatur as a "Cuban national." This designation made it illegal for U.S. persons to do business with Havanatur. Even if my company was responsible for the shipments, I could not have intended to violate the CACR by engaging in illegal transactions with Havanatur, because I did not know that it was illegal to conduct business with Havanatur.

#### **H. My Counsel Failed to Effectively Represent Me**

A novice attorney represented me during the Government's case. Unfortunately, my attorney failed to raise several key objections that related to the evidence brought against me and to the court's procedures. The Eleventh Circuit Court of Appeals upheld my conviction in large part because the attorney waived various objections. The Eleventh Circuit's decision (738 F.2d 1191 (1984)) explains these waivers.



FILED

RECEIVED

U.S. Department of Justice

MAY 25

MAY 06 85

United States Attorney  
Southern District of Florida

ATTACHMENT D

FRM7:kg

155 South Miami Avenue, Suite 700  
Miami, Florida 33130

April 26, 1985

Honorable James Kehoe  
United States District Court Judge  
U.S. Federal Courthouse  
301 North Miami Avenue  
8th Floor  
Miami, Florida 33130Re: United States of America v. Fernando Fuentes-Coba  
Case No. 82-248-Cr-JWK

Dear Judge Kehoe:

The above referenced defendant is scheduled to shortly surrender to begin a one (1) year sentence at Eglin Air Force Base, pursuant to his conviction for trading with the enemy in Case No. 82-248-Cr-JWK.

I have been asked by his attorney to write you this letter, to acknowledge that Mr. Fuentes-Coba was a witness for the government in the case of United States of America v. Eduardo Arocena, Case No. 83-1016-Cr-HOEVELER.

Mr. Fuentes-Coba was forth coming and candid at all times during the preparation of the trial, and was of substantial assistance in proving that part of the government's case against Arocena having to do with the attempted bombing of the office of Fuentes-Coba in December of 1980.

Very truly yours,

STANLEY MARCUS  
UNITED STATES ATTORNEY

BY

FREDERICK R. MANN  
ASSISTANT UNITED STATES ATTORNEYcc: Joel Cohen, Esquire  
Attorney for Defendant  
Fernando Fuentes-CobaStrook, Strook and Lavan  
Attorneys at Law  
7 Hanover Square  
New York, New York 10004

EXHIBIT

26

FBI/DOJ - Bureau, N.Y.

000026

United States of America vs.

United States District Court for

DEFENDANT

FUENTES-COBA

RNANDO

SOUTHERN DISTRICT OF FLORIDA

DOCKET NO. 82-248-CR-JWK

ATTACHMENT

# JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR  
DEC. 14, 82

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

JAMES MCMASTER, ESQ.

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☒ NOT GUILTY

There being a ~~XXXX~~ verdict of ☐ NOT GUILTY. Defendant is discharged  
☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of

Ct. 1 - Conspired to transport goods and equipment to Cuba, in violation of Title 18, U.S.C., Section 371.

FINDING & JUDGMENT

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

ONE (1) YEAR confinement. It is further

ORDERED AND ADJUDGED that the defendant pay a fine of TEN THOUSAND DOLLARS (\$10,000.) It is further

ORDERED AND ADJUDGED that the defendant shall voluntarily surrender to the Institution designated by the Bureau of Prisons.

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

that the defendant be incarcerated at Eglin, Florida.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

COMMITMENT RECOMMENDATION

SIGNED BY

☒ U.S. District Judge

U.S. Magistrate

DEC 17 1982

RECEIVED  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

000027

EXHIBIT

27

DEC 14 1982





U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.  
Suite 400  
Washington, D.C. 20530

NOV - 7 2000

Lonnie Anne Pera, Esq.  
Zuckert Scoutt & Rasenberger, L.L.P.  
888 Seventeenth Street, N.W.  
Washington, D.C. 20006-3309

Dear Ms. Pera:

This is in reference to your letter of October 4, 2000, forwarding to this office at the request of your client, Ms. Vivian Mannerud, the application for presidential pardon submitted by Ms. Mannerud's father, Mr. Fernando Fuentes Coba. Mr. Coba's petition recounts that he was convicted of conspiring to transport goods and equipment to Cuba and was sentenced to a one-year prison term and a \$10,000 fine, that following the exhaustion of his appeals, he failed to surrender to serve his sentence, and that in 1985, he fled the United States for Mexico, where he has lived ever since.

I must inform you that under the regulations governing petitions for executive clemency and the well-established policies under which this office processes clemency requests, Mr. Coba is ineligible to apply for a presidential pardon. Pursuant to 28 C.F.R. § 1.2 (copy enclosed), "[n]o petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement . . . ." Because Mr. Coba has served none of his prison sentence, he fails to meet this most basic eligibility requirement for pardon consideration. Moreover, the Department of Justice has consistently declined to accept pardon petitions from individuals, such as Mr. Coba, who are fugitives, since the pardon process assumes the Government's ability to implement either of the President's possible decisions regarding a petition - that is, a denial of clemency as well as a grant of clemency. Put another way, it is not reasonable to allow a person to ask that the President grant him a pardon which, if granted, would have the effect of eliminating the term of imprisonment to which he has been sentenced, while at the same time insulating himself from having to serve the sentence if the pardon is denied. Finally, even if Mr. Coba were not a fugitive, his lengthy domicile outside the United States would preclude consideration of his pardon request. As a matter of well-established policy, the Department of Justice generally does not process pardon applications from non-residents of the United States because foreign residence presents significant difficulties to the conduct of the necessary background investigation into an applicant's post-conviction life.

Given the circumstances presented by Mr. Coba's case, this office is unable to process his pardon petition. We therefore will take no action upon it.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger C. Adams". The signature is written in a cursive, slightly slanted style.

Roger C. Adams  
Pardon Attorney

Enclosure

# RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY:

## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

### PART I - EXECUTIVE CLEMENCY

#### Sec.

- 1.1 Submission of petition; form to be used; contents of petition.
- 1.2 Eligibility for filing petition for pardon.
- 1.3 Eligibility for filing petition for commutation of sentence.
- 1.4 Offenses against the laws of possessions or territories of the United States.
- 1.5 Disclosure of files.
- 1.6 Consideration of petitions; notification of victims; recommendations to the President.
- 1.7 Notification of grant of clemency.
- 1.8 Notification of denial of clemency.
- 1.9 Delegation of authority.
- 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States Court.
- 1.11 Advisory nature of regulations.

Authority: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive; and 28 U.S.C. §§ 509, 510.

#### § 1.1 Submission of petition; form to be used; contents of petition.

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of

federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

#### § 1.2 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

#### § 1.3 Eligibility for filing petition for commutation of sentence.

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.

#### § 1.4 Offenses against the laws of possessions or territories of the United States.

Petitions for executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction of the United States should be submitted to the appropriate official or agency of the possession or territory concerned.

#### § 1.5 Disclosure of files.

Petitions, reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for executive clemency generally shall be available only to the officials

concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

#### § 1.6 Consideration of petitions; notification of victims; recommendations to the President.

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

- (i) That a clemency petition has been filed;
- (ii) That the victim may submit comments regarding clemency; and
- (iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph (b), "victim" means an individual who:

- (i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the

commission of the crime for which clemency is sought (or, in the case of an individual who dies or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and

(ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph (b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment, the President should grant or deny the petition.

#### § 1.7 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his or her attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his or her place of confinement, or directly to the petitioner if he/she is on parole, probation, or supervised release.

#### § 1.8 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he has denied a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Except in cases in which a sentence of death has been imposed, whenever the Attorney General recommends that the

President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

#### § 1.9 Delegation of authority.

The Attorney General may delegate to any officer of the Department of Justice any of his or her duties or responsibilities under §§ 1.1 through 1.8.

#### § 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation

should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this § 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

#### § 1.11 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Draft  
Pending Clemency Matters  
12-10-00

I. Commutations

Name	Offense	Significant Facts	Referred/Contacted by	Status
John Adamson	Laundering proceeds of unlawful activity (1994) Sentenced to 57 months in prison and two years' supervised release (began serving in 1997 at conclusion of appeals; projected for release November 1, 2001).	As car salesman, sold vehicles for cash to an undercover agent who identified cash as proceeds from sale of cocaine.	Rec by John Sweeney (AFL-CIO)	Pending; expect denial recommendation from DOJ soon
Willie Mays Aikens	Cocaine distribution; firearm offense (sentenced to 248 months in 1994)	Substance abuse problem at time; arg that race played role b/c of crack v. powder	Former sports mgmt firm (was major league baseball player); Jim Harmon also referred (no strong rec.)	Applied Spring 2000
William Aramony	Fraud (1995) (sentenced to seven years in prison and ordered to pay \$552K to United Way) (to be released some time in 2001)	Convicted for embezzling \$600K as president of United Way	Vernon Jordan forwarded letter; not strong rec.	No application pending

John Ballis	Aiding and abetting all of the following: bank fraud; bank bribery; illegal participation; conspiracy to violate federal law; misapplication by S&L employee; false entries; obstruction of justice (sentenced in 1993 to 12 ½ years and ordered to pay \$4.5 M restitution; paroled in 1999)	Pled guilty to one count of making a false statement and helped convict another S&L person; later prosecuted again, for offenses he argues were covered by the original plea agreement; disparate sentencing arg.; sentencing judge who presided over plea agreement supports clemency	Atty, Don Clark of Houston, dropped of papers personally; POTUS may have been told about case as well	Applied November 2000
Ron Blackley	Failing to disclose income on SF 278; sentenced by Judge Lamberth in 1998 to 27 months (to be released October 2001)	Was COS to Sec'y Espy; prosecuted by IC investigating Espy	Harvey Joe Sanner and Mrs. Blackley have contacted our ofc., POTUS was approached by Sanner (we responded)	Applied in October 2000
Kenneth Michael Conley	Perjury; obstruction of justice; sentenced to 34 months in 1998	Policeman who said he didn't witness an attack by a white police officer on an undercover black police officer	Cong. Moakley advocated commutation in Fall 1999; nothing to WH since	Never applied
Billy Wayne Cox	Bank fraud (filing false loan documents) -- \$600K in restitution	Primary argument is humanitarian -- daughter recently committed suicide; acc. to OPA there isn't much else	Friend of Hal Humnicutt; POTUS asked us to check out	Applied June 2000

*Draft*


*Italics = DOJ has promised report*

<p><i>Linda Sue Evans</i></p>	<p>1. Harboring a fugitive and possessing a weapon as a felon (S.D. NY) (1985) (5 years)  2. making false statements to purchase (4) firearms (LA) (1985) (30 years)  3. Conspiracy to bomb govt bldgs (US Capitol bombing) (DC) (5 years).</p> <p>Has served 15 years (has completed NY &amp; DC sentences and is serving only LA sentence)</p>	<p>Obtained BA in prison, is working on master's degree; acc. to NY prosecutor, no evidence she committed violent acts, but knew it was a potential consequence of her actions; arg is that other members of capitol bombing conspiracy are now out (but unclear whether they had add'l convictions)</p>	<p>LA sentencing judge, NY prosecutor rec release; CBC members recommended release on parole (1996); "Release 2000" campaign (Ogletree et al)</p>	<p>Pending</p>
<p>Fernando Fuentes-Coba</p>	<p>Conspiracy to violate Trading with the Enemy Act/Cuban Assets Control regulations (1982) (sentenced to one year and fined \$10K)</p>	<p>Never reported to serve one-year sentence; lives in Mexico. Convicted for transporting goods (soda machines, other equipment, food, perfume) to Cuba. (note: reported in press that HRC campaign returned donation from daughter b/c of her role in drug trafficker contrib. to DNC)</p>	<p>Daughter is Vivian Mannerud (AR); Joe Velazquez spoke to POTUS re: case</p>	<p>Just applied; application forwarded to OPA.</p>

<i>Dorothy Gaines</i>	Conspiracy with intent to distribute crack cocaine, possession with intent to distribute crack cocaine (1995) (sentenced to 19 years 7 months and 5 years supervised release)	Similar to other "girlfriend" drug sentencing cases; then-boyfriend was driver for drug ring; kingpin sentenced to 12 years.	Sentencing judge does not object; Release 2000 campaign; DOJ has heard support from Rep. Waters and other CBC members	Pending at OPA
Bob Griffin	Bribery, mail fraud (1997) (sentenced to 48 months' imprisonment and \$7,500 fine) (projected release date is July 2001)	When Speaker of MO House, received money from co-defendant (a consultant and lobbyist) in exchange for his steering clients to her. Petitioner's spouse suffered stroke and cannot care for herself.	<p> Fmr. Cong. Alan Wheat contacts WH regularly; other rec.'s by: all Democratic members of Missouri Senate; appx. 20 members of Missouri House; former Sen. Thomas Eagleton; Congresswoman Pat Danner; various other MO state and local officials (we were told that Governor Carnahan supported clemency as well). </p>	Commutation denial pending here
Steven M. Griggs			Daley McDaniel strongly supports; acc. To McDaniel, Roger Clinton also supports	Pending at OPA



<p><i>Peter MacDonald</i></p> <p><i>Com</i></p>	<p>1. Racketeering; racketeering conspiracy; extortion by Indian tribal official; mail fraud; wire fraud; interstate transportation in aid of racketeering (1992) (60 months' imprisonment, \$1.5M restitution to Navajo Nation, fined \$10K)</p> <p>2. Conspiracy to commit kidnapping; third degree burglary (1993) (175 months' imprisonment, \$4,431 restitution to Nation, \$5K fine)</p> <p>(projected release date is October 2005)</p>	<p>Completed serving first sentence and now serving second. First petition denied by POTUS in 1996. Navajo Nation Council has pardoned petitioner. Second conviction arose out of petitioner's refusal to relinquish position as tribal official (put on administrative leave in light of investigation that led to 1<sup>st</sup> conviction); gathered "security force" armed with clubs, attempted takeover of tribal govt. bldg., ordered kidnapping of a policeman. Riot ensued – several were injured and two demonstrators were killed.</p>	<p>Representatives of Navajo Nation have advocated strongly for release: Rep. Udall; Brian Greenspun; Sen. Bingaman has spoken to POTUS about case</p>	<p>Commutation denial pending here. Navajo Nation has been discussing possible transfer w/ BOP; if issues w/AZ govt are resolved, DOJ believes transfer will occur.</p> <p>Nation still advocating for his release.</p>
---	--	--	--	---

Howard Mechanic  7.	<p>1. Violating anti-riot act (threw explosive device at fire- and policemen trying to put out a fire ignited during Viet Nam war demonstration) (1970) (sentenced to 5 years)</p> <p>2. Failure to appear; falsely obtaining passport (2000) (sentenced to 4 months' imprisonment and fined \$10K (to be served concurrently with first sentence)</p> <p>In jail since Feb. 2000</p>	<p>Did not report to serve sentence (in 1972); changed identity (to Gary Tredway) and fled to AZ; decided to run for city council under fake name; true identity discovered when he ran for Scottsdale city council</p>	<p>Missouri state legislators; Sen. Durbin; Rep. Bobby Rush; former Sen. Thomas Eagleton; city council of University City, MO</p>	Petition pending
Michael Monus	<p>Conspiracy, mail fraud, wire fraud, bank fraud, transportation of stolen property (checks) (1999) (sentenced to 139 months' imprisonment, \$500,000 fine, and 5 years' probation).</p>		Monte Friedkin (to BRL)	Applied August 2000
Oscar William Olson 	<p>Illegal monetary transactions involving criminally derived property (1997) (sentenced to 121 months and \$10M restitution)</p>	<p>73 years old; many health problems</p>	<p>Son, Peter Olson, is head of Random House; referred to our office by Pat Schroeder through JDP</p>	<p>Applied November 2000; DOJ is closing case b/c petitioner filed appeal</p>

<i>Leonard Peltier</i>	Murder of a federal official (1977); escape (1980); felon in possession of firearm (1980); sentenced to two consecutive terms of life imprisonment on murder charge, plus seven more (consecutive) for escape and firearms charges		Widespread public campaign supporting release; FBI, other law enforcement oppose equally strongly; Gov. Janklow has spoken to POTUS	Denial pending here
Don Pennington	Aiding and abetting in mail fraud and aiding and abetting in engaging in monetary transaction (June 23, 1997) (E.D. Arkansas).  Sentenced to 48 months' imprisonment, \$25,000 fine, and 2 years' supervised release.		Jerry W. Davis, Chairman, President, and CEO of Affiliated Foods Southwest (Little Rock, AR).	Application filed Oct. 23, 2000.
Mel Reynolds			Significant Congressional interest; may be possible to transfer	Could use clemency power to xfer to halfway house; OLC to report on whether POTUS can direct AG to xfer (possible statutory impediment)

*Draft*

*Italics* = DOJ has promised report

Dorothy Rivers	Misappropriation of govt funds (HUD?) (has served 30 months of a 70 month sentence)			Cong. Bobby Rush has spoken to POTUS; Rev. Jesse Jackson wrote letter in support	No application
Noah Robinson		?? relative of Jesse Jackson ?? OPA not forthcoming			Pending; applied in August 2000
<i>Susan Rosenberg</i>	Conspiracy to receive and possess unreg. Firearms; unlawful possession of destructive devices; unlawful possession of sawed-off shotgun; unlawful possession with intent to use false ID; unlawful transportation of explosives (Pto Rican independence, black power activist) 1985 (given 58 year sentence; has served 16)	Allegation she's been unfairly denied parole based upon alleged but unprosecuted offense (a Brinks robbery where guard was killed; acc. to DOJ, she drove getaway car in this robbery and in U.S. Capitol bombing)		Jerry Nadler, "Release 2000 campaign" (law profs incl. Ogletree)	Pending; applied in August 2000
Donald R. Smith	Conspiracy to manufacture methamphetamine (1995).  Sentenced to 102 months' imprisonment.	Requests that he be allowed to participate in the Bureau of Prisons' Voluntary 500-Hour Residential Drug Treatment Program, and—assuming his successful completion of it—to receive a one-year reduction of his sentence.		John William Simon	

<i>Kemba Smith</i>	Conspiracy to distribute cocaine (1995) (sentenced to 24.5 years' imprisonment).	Similar to petitions POTU granted this summer; Sentenced to 24.5 years for participation in abusive boyfriend's drug ring	Many Congressional, other recommendations/inquiries	Pending
<i>Harvey Weinig</i>	Conspiracy to commit money laundering; criminal forfeiture; misprision of felony (1996) (sentenced to 11 years, 3 months in prison)	Assisted law partner in processing wire transfers for partner's client (whom partner claimed was legit. Businessman); partner's client was actually drug dealer; partner rec'd sentence reduction for gathering evidence against petitioner	Rep. By Reid Weingarten; JDP; Harold Ickes	Pending
Nick Wilson	1. Racketeering (2000) (sentenced to 70 months, \$1.2M restitution, fined \$20K)  2. Tax evasion (1999) (sentenced to 18 months, to run concurrently w/ #1, \$42K restitution, \$40K fine)  Reported June 2000	Pled guilty to orchestrating schemes to enrich self and associates at expense of state and federal children's programs	Spouse, Susan Wilson, has written to request commutation (b/c of effects of sentence on son Alex)	


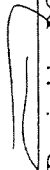
## II. Pardons

Name	Offense	Significant Facts	Referred/Contacted by	Status
Garran Barker	Conspiracy to commit wire fraud and bank fraud (1986) (sentenced to 20 months, reduced to 15 months)	Co-defendant of Carl David Hamilton (pardoned by POTUS) – granted state pardon by then-Gov Clinton contingent on federal pardon. (Role appears similar to Hamilton's, but no sentencing judge rec.)	Self, through Mary Anne Salmon	Applied July 2000
Charles Besser	2 counts of Mail fraud (1985)  sentenced to 4 years' probation, fined \$2,000; restitution of \$62,000; 450 hours community service	As atty, facilitated scheme by two clients in which one client's company would overcharge the other's for annuity policies. Clients pointed to petitioner as engineer of scheme and rec'd reduced sentences.	Eleanor Mondale called BRL	April 1999

*Handwritten:*  
DOJ  
6/28/88

*Draft*

*Italics = DOJ has promised report*


Mario Biaggi	<p>1. Violating Travel Act, receiving illegal gratuity; obstruction of justice (1987) (sentenced to 2 ½ years in prison, fined \$500K).</p> <p>2. Racketeering, conspiracy, extortion, bribery, receiving illegal gratuity, mail fraud, perjury, false statements; filing false tax return (1988) (sentenced to 8 years in prison, \$242,000 fine, and \$350,000 restitution.</p> <p>(served 22 months b/c released on medical discharge).</p>		Cong. Rangel had advocated for pardon; JDP has been contacted as well	Pending; if DOJ makes recommendation, expect denial
Harlan Richard Billings 	Conspiracy to possess marijuana with intent to distribute; sentenced in 1985 to three years' probation, 200 hrs. community svc., and fined \$5K	Atty reports that U.S. Atty and presiding judge (as well as other law enforcement officers in area) support pardon	Contacted by Severin Beliveau; George Mitchell	 Denied by POTUS in 1998 (DOJ had recommended favorably)

<i>Bill Borders</i>	Convicted of offering bribe to Alcee Hastings (who was acquitted then impeached) sentenced in 1982 to 20 years (served 31 months)	Is now counsel to Cong. Earl Hilliard	Significant Cong. Interest, particularly CBC; Martin Luther King III and other religious orgs	Applied March 2000 (shd be to DAG soon)
Preston Bynum	1. Bribery concerning programs receiving federal funds (1995) (sentenced to 24 months in prison)  2. False declaration before a grand jury (1997) (sentenced to 24 months in prison and fined \$25K).	Bynum caused Stephens to pay off loans for a Florida county official (whose board awarded municipal bonds to Stephens); then was convicted for lying to grand jury investigating bribes.	Support from Arkansans including Jim Pledger, Beverly and Burton Elliott, Joe Yates, Tommy Robinson, Bill Lancaster; new mailing includes Gov. Huckabee, Marion Berry, Jimmie Lou Fisher	Applied May 1999; OPA told him he was out of time  New application mailed to our ofc. December 4, 2000 BRL??
Thomas Kimbel Collinsworth			Recommended by Floris Tatom	Pending; applied October 2000
Harley Cox			Support from Jay Bradford	Pending; applied December 2000
John Cross, Jr.	(1995) (sentenced to two months in halfway house and two years' supervised probation)	Embezzled funds from Worthen Bank (acc. to Cross gave \$\$ to youth baseball team). Describes acts as retaliation for being passed over for promotions and raises; also felt bank neglected responsibility to community. Seeks pardon to be able to hunt, vote, and possibly start mortgage business.	Lewis Epley, John Cross Sr. have written in support	

*Draft*



*Italics = DOJ has promised report*



Marsha Louisa Dickson	Sentenced in 1995			Recommended by Floris Tatom; (relative of POTUS?) Hasn't applied; MC explained process to F. Tatom and had forms sent; not sure why no app.	Has not applied
<i>Irving Drobny</i> 	Aiding and abetting securities fraud (1983) (sentenced to 4 years)	Seeks pardon so conviction won't interfere with insurance underwriting business; also for forgiveness (is 65+ and has health problems)		Sheldon Drobny to BRL	Applied June 1999
William Dennis Fugazy	Perjury (1997).  Sentenced to 2 years' probation and fined \$2,400.			Eliot Spitzer, Attorney General of New York  Rep. Charles B. Rangel; JDP has been contacted re: case as well	OPA did not process application b/c of 5-year waiting period
<i>Philip Grandmaison</i> 	Mail fraud (guilty plea) (1996) (sentenced to one year and one day)	As Alderman, recused self from a contracting decision but lobbied and gave extremely small gifts to other Aldermen; have hundreds of letters of reference		Joe Grandmaison's brother; has also spoken to Bill M.	Applied August 2000; OPA did not process b/c of 5-year waiting period; DAG's office committed to submitting in some form to WH
John Haley 	Aiding and abetting in the willful failure to provide information to IRS (misdemeanor); sentenced <del>to 3 years</del> probation, \$40K restitution; \$30K fine (1998)	Served as Jim Guy Tucker's atty for transactions where info should have been submitted to IRS		Many Arkansans submitted character affidavits, incl. Winston Bryant, John Paul Hammerschmidt, Don Munro, several LR lawyers	Applied November 2000

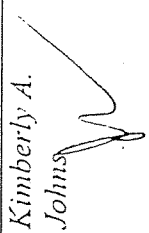
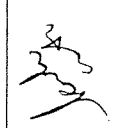
*Draft*

*Italics* = DOJ has promised report

<p><i>J.R. "Rick" Hendrick</i></p> 	<p>Mail fraud (1997) (sentenced to one year home detention, probation, fine) (as Honda dealer, gave gifts to Honda execs to get preferential dealership rights and access to vehicles)</p>	<p>Has leukemia; extensive community/charitable involvement, incl. Starting fundtn to find marrow donors, esp. minorities; very successful car dealer and has big NASCAR racing operation</p>	<p>Many North Carolinians have written, incl. Jim Hunt; Lt.Gov. Dennis Wicker; Hugh McColi; E.D. of N.C. Bar Assn; Harvey Gantt; Sue Myrick; Pat McCrory (mayor of Charlotte); JDP; POTUS has asked about (approached by Jim Hunt)</p>	<p>Applied recently; OPA has so far refused to consider; DAG committed to submitting in some form</p>
<p>David Herdlinger</p> 	<p>Mail fraud (1986) (sentenced to three years' imprisonment).</p>	<p>As City Attorney for Springdale, AR, and Municipal Judge for Johnson, AR, solicited and accepted payments from individuals charged with driving while intoxicated. In return, petitioner dismissed or reduced charges.</p>	<p>David Matthews recommends; Sen. Hutchinson, <del>former</del> Sen. Pryor, Ed Matthews also recommend; POTUS interested in granting</p>	<p>We have summary denial recommendation from DOJ.</p>
<p><i>Judd Blair Hirschberg</i></p>	<p>Mail Fraud (1993) (sentenced to three years' probation)</p>	<p>Prosecuted for conspiring with friend to defraud insurance co.; he says friend actually stole his car. Seeks pardon to resume commodities trading. Also has been disciplined for trading impropriety.</p>	<p>Brother of Jeff Hirschberg, who sent to BRL; petition given to POTUS as well</p>	<p>Pending at DAG</p>

*Draft*

*Italics* = DOJ has promised report

Marty Hughes	Aiding and abetting falsification of union records; aiding and assisting in submission of false docs to IRS; causing the filing of false docs with Dept. of Labor (1987) (sentenced to 5 years <del>+</del> probation; fine; 13-year prohibition on service in union position)	Pardon denied by POTUS in 1995; US Atty, sentencing judge oppose  Engaged in scheme where false expense and wage vouchers (total approx. \$312K) were submitted to CWA; cash was funneled to political candidates. Also used forged CWA vouchers to pay employees that didn't work for CWA. (False reports were then submitted to DOL by CWA).	Current petition supported by Pres. Carter, Dick Celeste, Judge George White, Judge Thomas Lambros, <del>Judge Henry Woods</del> , John Sweeney ( <del>APL</del> -CIO); POTUS has been asked about	Pending here – we have a denial recommendation
Stanley Pruet <i>Jobe</i>	Bank fraud, conspiracy to commit bank fraud (TX) (1997) ( <del>probation only</del> ; first month in 1/2 way house, then 5 mos. Home detention)	Seeks clemency for forgiveness and b/c of negative effects of conviction on business	Cong. Silvestre Reyes; JDP	Applied 2000 Pending
Kimberly A. Johns 	Possession of firearm w/no serial number (approx. 1985)	Earlier application denied in 1995; has since rec'd medal of valor for saving a man drowning in a flood; seeks pardon to obtain visas so he can travel for his business	Cong. David Wu	Current App. Filed in April 1998; pending at OPA
Mark Johnson			Son of Floyd Johnson; rec. by James Baker of Dept. of Ag. (Arkansas?)	No application

<i>Ruben H. Johnson</i>	Bank fraud; sentenced in 1989 to 8 years, served 5 (\$4.6M in restitution)	Arg. that regulators were aware of and approved activity for which he was convicted – and evidence wasn't admitted at trial	Lady Bird Johnson; Jake Pickles; Walter Cronkite; Liz Carpenter; POTUS interested	Applied Feb. 1999; pending
Larry Killough	Distributing controlled substance for non-medical purpose; sentenced to 20 months and fined \$40K (paid in full) (1985)	First petition denied by POTUS (as recommended by DOJ); as Gov., BC granted pardon conditioned on removal of federal firearm disabilities	Medical director of Wilbur Mills rehab center in Searcy; sent app. through Kay Goss	Applied October 2000
Russell Wayne Lee	Conspiracy to commit mail fraud; sentenced to 20 months (1986) (billed city of Little Rock for legal services never rendered – approx. \$20K)	Prior application denied in December 1998 (as recommended by DOJ); seeks pardon to return to practice of law; rec'd conditional pardon from then-Gov BC; firearms privs have been restored	Jay Bradford, Sandra Hicks King, Ray Jacks support	OPA not processing b/c premature
<i>Salim Bomor</i> "Sandy" Lewis	Violating Securities and Exchange Act; sentenced in 1989 to three years' probation and fined ~\$250K	In order to prevent the now-illegal practice of short selling prior to a secondary offering (and stabilize price of stock), authorized an individual to purchase large amt. of stock & promised to cover any losses – conviction was for manipulating price of stock and for entering into illegal credit transaction (petitioner did not stand to profit personally)	Represented by Douglas Eakeley and Nicholas Katzenbach	Applied March 2000


*Draft*

*Italics* = DOJ has promised report

<i>John Francis McCormick</i>	Racketeering (charged along w/several Boston police officers w/ accepting payments from night club owners); served just over a year in prison plus home detention (1987)	Petitioner's conviction stemmed from his accepting rid \$400 in gifts for getting rid of a citation issued to a nightclub by the Boston Licensing Bd. Petitioner is now traveling secretary for Boston Red Sox	Rep by Tom Dwyer	Pending at DAG (denial)
Allen L. McMurrey III	Forcibly breaking into US Post Office.; possession of counterfeit access devices; dealing in counterfeit US Treasury checks; forging US Treasury checks; theft or receipt of stolen mail (1993) (sentenced to 27 months in prison, 3 years supervised release, restitution of \$1,700, and fined \$300		Rep. Patrick Kennedy (petitioner is his cousin)	Applied 1999
Ari Merretzzon	Bank robbery (incarcerated approx. 30 years)		Philip K. Lyon	No application pending
Michael Milken	Securities fraud; aiding and abetting securities fraud; assisting in filing false tax return; sentenced to 10 years in prison (reduced to 34 months) and fined \$200M	Acc. To DOJ, the U.S. Atty and SEC are very concerned about pardon application and will weigh in		Applied October 2000

*Draft*

*Italics = DOJ has promised report*

Charles W. Morgan 	Distribution of cocaine; sentenced to three years (1984)	Fully admits mistake – related to substance abuse problem at time (since overcome); has volunteered to help others with substance abuse problems (AA and NA); sentencing judge recommends <u>pardon</u> ; <u>extensive driving record</u> , and several business-related lawsuits	Rep. by Bill Kennedy; George Billingsley (father) requests; POTUS interested in granting	Pending at OPA
Walter L. Nixon	Perjury (1986) (sentenced to 5 years in prison; refused to relinquish judgeship and was impeached)	When son of friend was arrested on marijuana charges, petitioner visited DA, who later stopped investigation. Petitioner bought lucrative oil and gas investments from the father. Const. question as to whether POTUS can pardon offenses that resulted in impeachment; DOJ hasn't taken a position on legal Q b/c they recommend denial.	John Coale (BRL?)	Just arrived here as rec denial  BRL?

<i>David C. Owen</i>	Filing false tax return (1993); sentenced to one year and one day and fined \$6K	Failed to claim \$100K payment to consulting firm as income on firm's tax return (note payment was claimed on later year's return). Also made payments from firm to subsidiaries, who then made political contributions. These were recorded as "consulting fees" and firm took an improper deduction (estimated total tax loss was \$4,200).	Jim Hamilton client Seeks pardon to hunt	Applied June 2000
Robert William Palmer	Conspiracy to make false statements; sentenced to 3 years' probation and fined \$5K (1995) (worked at appraisal company that gave backdated appraisals to Madison Guaranty S&L)	Firm actually performed all appraisals, but knowingly backdated in an effort to help <u>Madison Guaranty</u> prepare for review of its books	Catlett firm (John Yancey); Skip Rutherford	Applied September 2000
Peggy Potter	Mail fraud, defrauding U.S. Govt of tuition (1995)	Theory was that head of Dept. at UT (Tenn.) would give students information from his research firm they could use in academic work. Students would then give firm favorable treatment in govt. contracting (not proved). NASA paid her tuition for one quarter (theory was govt. expected her to get legitimate degree).	Brian DeWynngaert, Executive Assistant to the National President of the American Federation of Government Employees (via Karen Tramontano) (nothing to WH since 1998).	No application pending

*Draft*

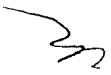
*Italics* = DOJ has promised report

Edmund Reggie	Bank fraud (1995)			Rep'd by daughter, Victoria Reggie Kennedy	Application withdrawn due to other ongoing criminal investigations
Dan Rostenkowski	Mail fraud (1996); sentenced to 17 months in prison and fined \$100K			Cong. John Lewis recommends; Kevin O'Keefe	No application pending
Archibald Schaffer, III	Violating Meat Inspection Act (sentenced to one year and one day; will be ordered to report some date after January 1, 2001)	Only individual to be sentenced to imprisonment as result of investigation of former Sec'y Espy		Rep by Woody Bassett	Has requested pardon from our office
Otha Anthony Smith	Fraud and false statements under 26 U.S.C. 7206 (1) (1997)  Sentenced to 3 years' probation.	Supporter claims many jobs will be lost in Ashdown, AR, if Smith can not travel internationally for his business, Southern Refrigerated Transport		C.C. Barnette, of Texarkana, calls some part of WH approx. every other day	Pending
Jim Guy Tucker	Two cases: "Hale" case (sentence completed and restitution paid); Tax case (will be on probation 2 ½ more years)	Charged by the Whitewater Independent Counsel; severe health problems; args he is actually innocent		Attorneys for Mr. Tucker, Stanley M. Brand and Margaret Colgate Love	No application pending at DOJ.
Frank Vennes	Conspiracy to launder money; sale of firearm (as dealer) to nonresident; use of telephone to facilitate drug transaction (1987) (sentenced to 5 years in prison and ordered to pay \$100K in restitution)	Complicated transactions in which he took cash from member of Chicago mafia and helped launder through overseas bank accts; when unable to repay mafia member b/c some money was stolen, he agreed to sell him guns knowing he wasn't a resident of state. Tried also to sell drugs to raise cash for debt.		To BRL from John Raffaelli; Walter and Ted Mondale are character <u>affiants</u>	Applied July 2000

*Draft*

*Italics* = DOJ has promised report



Dan Walker	Bank fraud; perjury; executing false financial statements (1987); sentenced to seven years' imprisonment (reduced to 18 months) and five years' probation, including 500 hrs. community service	Former governor of IL. As Chairman and a director of a bank, had loaned himself maximum allowable; made loan to a company, which in turn loaned him money. Denied receiving personal benefit from bank loans during a deposition. Also filed personal financial statements in connection with business loans that overstated personal income and failed to disclose full extent of liabilities.	Dale Bumpers contacted BRL	Application pending at DOJ
Thomas Andrew Warren 	Conspiracy to import marijuana (stopped by U.S. Coast Guard while en route to Colombia from Florida to purchase marijuana; agents found \$41,500 in U.S. currency and approx. \$1,500 in pesos on board). (1975) (sentenced to 18 months, reduced to one year and one day).	POTUS denied previous pardon request in 1997 (DOJ rec. denial).	Sen. Graham's ofc. sent through Mark Childress in 1998; President of FL State, Sandy D'Alemberte, also supports	No application pending at DOJ.
Mark Lewis Webber	Sale, use and possession of marijuana and qualudes (USAF) (1981) sentenced to 30 months in prison (served 15) and forfeiture of \$334/month in pay.	Petitioner admits wrongdoing and expresses remorse. Seeks pardon in order to hunt.	Atty is Stephen Crain of NLR	Just applied

Thomas K. Welch and David R. Johnson	Not yet convicted; indicted for conspiracy, violations of Travel Act, mail fraud, wire fraud, deprivation of honest services (mail fraud), and aiding and abetting	Indicted for giving gifts to members of Int'l Olympic Cmte in order to get winter games in Salt Lake City; charges based on Utah commercial bribery statute	Rep'd by Bill Taylor	
<i>Jack Weinstein</i>	Conspiracy; interstate transportation of stolen property (1975) (sentenced to 90 days in jail, 33 month's probation, and fined \$20K).	Purchased stolen property for resale in his pawn and jewelry production stores.  Prior application denied in 1989.	Sen. Harry Reid (contacted our ofc. and POTUS); Barbara Greenspun	In DAG's ofc.
Harrison Williams	Bribery and conspiracy (1981) (sentenced to three years; served two; fined \$50K)	Former Senator; convicted during ABSCAM, based on videotape showing him promising "sheiks" a govt contract in exchange for a loan to a titanium mine co. (Wms also accepted an 18% interest in the co.)	Charles Donovan has contacted JDP, our ofc.; Vernon Jordan contacted our ofc. as well	Application pending
Jack Williams	Making false statements (to FBI) (1998) Fined \$5K	Convicted by IC investigating Mike Espy for his initial denial of knowledge of gifts to Espy. Co-defendant of Archie Schaffer. Seeks pardon to restore civil rts, esp. right to vote.	Character affiants are Dale Bumpers, John Breaux, Billy Tauzin	Applied to WH (not sure if sent to DOJ)

*Draft*

*Italics* = DOJ has promised report